

**MINUTES OF THE
JOINT MEETING OF THE RULES AND OPEN GOVERNMENT COMMITTEE AND
COMMITTEE OF THE WHOLE**

SAN JOSE, CALIFORNIA

WEDNESDAY, OCTOBER 7, 2020

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone/Webinar or online.

The Council meeting was teleconferenced from remote locations and convened at 1:30 p.m.

Present: Councilmembers - Liccardo, Jones, Arenas, Khamis.

Absent: Councilmembers - Davis.

Staff: Office of the City Manager, Chief of Staff, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Gloria Schmanek; Henry Smith, Mayor's Office; and Yasmin Garcia/Ruth Krantz, City Clerks Office.

A. City Council (City Clerk)

- 1. Review October 13, 2020 Final Agenda – Meeting Cancelled.**
- 2. Review October 20, 2020 Draft Agenda**
 - a) Add new items to Final Agenda**
 - b) Assign "Time Certain" to Agenda Items (if needed)**
 - c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

Public Comments: Blair Beekman spoke on Zoom connectivity needing to be improved and easier accessibility for callers.

Mayor Liccardo discussed a request to defer Item 3.7 due to Councilmember Diep's memorandum (Government Accountability Measures) being streamlined and simplified. Office of the City Manager Chief of Staff, Lee Wilcox, confirmed the wish to defer this item.

2. (Cont'd.)

Action: Upon motion by Councilmember Arenas, seconded by Councilmember Khamis, and carried unanimously, the Committee accepted the October 20, 2020 Draft Agenda, including the Add Sheet and deferral of item 3.7, to allow completion of Councilmember Diep's proposed memorandum. (4-0-1. Absent: Davis)

B. Review of Upcoming Meeting Agenda(s)

1. Review October 16, 2020 Joint Meeting agenda.

Public Comments: (1) Blair Beekman spoke on SJPOA contract issues. (2) A speaker spoke on health care plans for Police Departments and stated that pensions should be cut.

Vice Mayor Chappie Jones spoke on having a fifteen-minute time limit display during meetings so councilmembers can self-regulate.

Staff offered to explore whether Zoom could simultaneously display the time as well as viewing the Committee members speaking.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Johnny Khamis, and carried unanimously, the October 16, 2020 Joint Meeting Agenda between City Council, the Board of Administration for the Federated City Employees' Retirement System and the Board of Administration for Police & Fire Department Retirement Plan was accepted. (4-0-1. Absent: Davis)

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

1. Release Date for Study Session (City Manager)

Public Comments: Blair Beekman addressed that the public should be allowed to speak on items that are deferred.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously; the Study Session for Thursday, October 29, 2020 was released. (4-0-1. Absent: Davis)

2. Set General Plan Hearing for November 2020. (Planning, Building and Code Enforcement)

Public Comments: (1) Blair Beekman recommended continuing good practices on housing and equity. (2) A speaker offered complaints regarding poor building infrastructures in San Jose.

Actions: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the second General Plan City Council hearing for calendar year 2020 beginning November 17, 2020 to consider City-initiated General Plan Amendments was accepted. (4-0-1. Absent: Davis)

E. The Public Record

1. The Public Record for September 24, 2020 - October 1, 2020. (City Clerk)

Public Comments: (1) Blair Beekman spoke on letters he provided for the public record on healthy environmental practices and energy procurement in the community. (2) A caller addressed nuclear energy and offered criticism of the micro-grid.

Councilmember Johnny Khamis requested consideration regarding the Public Record being limited to city business.

City Attorney Nora Frimann offered to confirm if the Public Record could be focused specifically on San José City Business.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Public Record for September 24, 2020 - October 1, 2020 was noted and filed. (4-0-1 Absent: Davis)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

There were none presented.

2. Cut the Commute Pledge

Public Comments: (1) David Paige, from “350 Silicon Valley”, called to thank the committee for speaking on “cut the commute pledge”, allowing the public to speak on these issues, and reducing pollution. (2) Martha O’Connell expressed concern over the safety of public transportation during COVID and how cutting the hours of operations for public transportation does not allow the public to accessibly attend council meetings.

2. (Cont'd.)

(3) Amanda Bancroft, from “350 Silicon Valley”, spoke on controlling greenhouse gases and climate change. (4) Blair Beekman spoke on mass transit and public transportation issues. (5) A caller spoke on fears of taking public transportation during COVID.

Mayor Sam Liccardo proposed a question to Councilmembers regarding the extension and flexibility of remote work or alternative modes.

Office of the City Manager, Chief of Staff, Lee Wilcox, recommended a Yellow-Light on this item. He offered that the whole item may go forth in Priority Setting, with flexibility for administration to define and give direction moving forward.

Motion: Councilmember Sylvia Arenas moved approval of the pledge to join Bay Area Quality Management District’s “Cut the Commute” Campaign as outlined in the memo that she co-wrote with Vice Mayor Jones. Councilmember Johnny Khamis seconded the motion.

Mayor Sam Liccardo requested a “friendly amendment”, with the pledge to go forward to Council, and to bifurcate items 1, 2, and 3 from Councilmember Sylvia Arenas and Vice Mayor Chappie Jones memorandum and go forward to prioritization setting.

Councilmember Sylvia Arenas respectfully declined the friendly amendment, stating she would like the complete recommendation to go before Council.

Communications Director for the “Bay Area Air District”, Lisa Fasano, spoke regarding the voluntary pledge and working from home/commuter benefits.

Chief Information Officer Rob Lloyd offered additional comments.

Substitute Motion: Mayor Sam Liccardo moved approval of the Cut the Commute Pledge as indicated below in “Action”. The motion was seconded by Councilmember Johnny Khamis.

Action: On a call for question, the Substitute Motion to allow the City of San José as an organization to pledge to join Bay Area Quality Management District’s “Cut the Commute” Campaign, including this item on the October 20, 2020 Council Agenda for action, with the remainder of these items to go to Council policy priority-setting, budget process, and meet-and-confer. (4-0-1 Absent: Davis)

3. Redistricting Commission (City Clerk)

Deferred per the City Clerk. To be heard on October 14, 2020.

4. Indigenous Peoples' Day Recommendation

Public Comments: (1) Blair Beekman gave suggestions on Indigenous Peoples' Day recommendations for the city of Fremont. (2) A caller spoke on the working conditions on working from home.

Mayor Sam Liccardo disclosed a potential Brown Act violation.

City Attorney Nora Frimann informed Councilmembers that the item must go to Council properly agendaized to place a vote on the item. Nora Frimann recommended that no vote be taken on the item at this time (future date was not specified).

Mayor Sam Liccardo requested for this item to be deferred until the community can fully engage.

Councilmember Johnny Khamis inquired to when this could return for consideration.

Office of the City Manager, Chief of Staff, Lee Wilcox, stated the item could return on the calendar early in the new year.

Action: No action was taken. To return for Council consideration at a future date.

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

2. Neighborhood Services and Education Committee

Action: Upon motion by Mayor Sam Liccardo, seconded by Councilmember Johnny Khamis, and carried unanimously, the August-December 2020 Neighborhood Services and Education Committee Work Plan to drop the following from the December 10, 2020 meeting: Anti-Graffiti/Anti-Litter Program and Beautify SJ Annual Report was approved. (4-0-1 Absent: Davis)

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole

6. Smart Cities and Service Improvement Committee

Action: Upon motion by Mayor Sam Liccardo, seconded by Councilmember Sylvia Arenas, and carried unanimously, the changes detailed on the August-December 2020 Smart Cities and Services Improvements Committee work plan were approved. (4-0-1 Absent: Davis)

I. Open Government

None provided.

J. OPEN FORUM

City Attorney Nora Frimann confirmed that Open Forum items may be limited to San Jose City agenda issues only.

Public Comments: (1) Blair Beekman urged good city practices, he spoke on nuclear issues, addressed his concerns of Zoom complications, and urged COVID-19 vaccinations to be provided by January 2021. (2) Mollie Mcleod spoke on City practices for emergency preparedness and emergency responses and ADA Concerns. (3) Martha O'Connell thanked the City Clerk for her assistance with the Zoom connectivity, and suggested callers have a limit to how many times they can comment in a meeting to shorten the length of Council meetings.

G. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 3:32 p.m.

Approved via email

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/yg:rulesmin_10-7-20